

CLARKE COUNTY BOARD OF SUPERVISORS

November 18, 2003Regular Meeting9:00 a.m.

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, November 18, 2003.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, Supervisor Dunning, and Supervisor Weiss

Also Present

Donald Breeden, Joe Hickey, Susie Bailey, DeeDe Cady, Jeff Lineberry, Bob Childress, Gem Bingol, Ed Breslauer, David Ash, Tom Judge, Charles Johnston, Jerry Herrmann, Val Van Meter and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:09 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

- Add: Under Item 10 – Set Public Hearing: 10 A Set Public Hearing on SUP-03-05
- Add to Miscellaneous: Soil Contamination Update - Parks & Recreation – David Ash  
Discussion on FFA / 4H – Supervisor Weiss  
Support Personnel for Zoning Department – Supervisor Dunning

Supervisor Dunning moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Approval of Meeting Minutes:

Regular Meeting October 21, 2003

- Supervisor Byrd requested the following modifications:  
Page 808: the word “of” also be removed from item 2g. so that the minutes reflect “of residential lots” removed.  
Page 809: Add to the paragraph detailing EMT assistance the sentence “Prior to this incident, this same EMT provided timely life-saving assistance to an employee of the Virginia Department of Transportation.”

Public Hearing October 22, 2003

Supervisor Dunning moved to accept the meeting minutes for October 21, 2003 as modified and October 22, 2003 as written. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Citizen Comment Period

No citizens appeared to address the Board.

Virginia Department Of Transportation

Jeff Lineberry and Bob Childress appeared before the Board of Supervisors to provide the monthly update.

Speed Limits

There was general discussion on how to proceed with the reduction of speed limits on secondary roads within the County. Following discussion, the Board put forth the following roads to be studied for speed reductions in the order of their priority.

1. Kimble Road from Route 7 to Crum’s Church Road [Supervisor Byrd]
2. Shepard’s Mill Road [Route 612] – North End [Supervisor Weiss]
3. Gun Barrel Road, Ginns Road and Salem Church Road from Route 340 to Senseny Road [Supervisor Dunning]
4. Frogtown Road [Chairman Staelin]
5. Summit Point Road [Supervisor Byrd]
6. Pyletown Road [Supervisor Dunning]
7. Mt. Carmel Road [Chairman Staelin]

**Supervisor Weiss moved to approve the speed limit studies on the above roads and in the order listed.**

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Jeff Lineberry stated that VDOT can also look at the curves on the roads and post signs where deemed necessary.

Also, blanket countywide speed limits have also been discussed by Frederick County. This change would require legislative action. David Ash will follow up with John Riley on this matter.

Route 7 Speed Issues

Supervisor Byrd put forth concerns expressed by constituents regarding the excessive traffic and speeds on Route 7 that have caused safety concerns for residents along this roadway. She requested input from VDOT on how this problem could be resolved. Bob Childress stated that this four-lane section of Route 7 was designed for 55 mph speeds and the number of residences along this section has increased since it became a four-lane road. Supervisor Byrd opined that enforcement of speed limits is the key, to which those present did concur.

#### Jack Enders Boulevard

Bob Childress stated that they were working on the final plans for Jack Enders Boulevard. A public hearing is to be scheduled. They will need consensus on the final design, which will require a resolution from the Board of Supervisors. Chairman Staelin requested David Ash to place this matter on the Board of Supervisors Work Session agenda.

#### Route 604 and Route 605

Bob Childress advised Chairman Staelin that he and Jeff Lineberry were scheduled to make a site visit to Route 604 and Route 605 after the Board of Supervisors meeting today. They will be looking at the specific issues identified at the October 22, 2003 public hearing, such as shoulders, brush, drainage, etc.

#### Double Tollgate - Route 277 and Route 340

Bob Childress stated that he would be sending a letter regarding the Double Tollgate intersection detailing the new traffic pattern. While the light has not been changed, new turn lanes have been added. Exclusive left-turn lane and right-turn lanes and through lanes have been added.

#### Route 340 South of Annfield Road

Chairman Staelin requested that the passing zone on the northbound lane be shortened to allow vehicles more time to re-enter before the intersection.

#### Route 7 at Route 612

Chairman Staelin, Supervisor Weiss and Bob Childress will discuss this matter further and review at the next Board meeting.

#### Route 642 Chrismore Road

Supervisor Dunning requested that VDOT research the right-of-ways on Route 642 at Chrismore Road. There are tall pines in this area and the property owner is resistant to requests to trim back the trees. With the overgrowth, vision is obscured creating a safety hazard for motorists entering the roadway.

#### Gun Barrel Road

Supervisor Dunning informed VDOT about problems with the stop sign at the south end of Gun Barrel Road, which is located on an island. Bob Childress stated that this was the last stop sign of this type left in Clarke County; and he has discussed this sign with Ricky Pope, VDOT Maintenance Superintendent Berryville Headquarters. It was agreed that the island will be removed and the stop sign placed on the right, which is VDOT standard.

#### Route 340 and Hermitage Entrance

Supervisor Byrd wished to address the speed limit on Route 340 in front of the Hermitage and solicited the opinion of Keith Dalton, Berryville Town Manager. Mr. Dalton stated that it was the Town's position that the entrance to the Hermitage is in the corporate limits of the Town; and therefore, it should be at 25 mph. The Town has also discussed extending the 45 mph zone out as far as Trips Auto Sales and the VDOT road. Keith Dalton agreed to provide VDOT with a written directive on this matter, which VDOT must have before they can act.

Supervisor Byrd and Vice Chairman Hobert informed the Board that the residents in the Hermitage have a meeting scheduled to air their concerns regarding this issue. VDOT indicated that they would be unable to attend due to short notice and a scheduling conflict.

Bob Childress informed the Board that the developer has agreed to add traffic lights at the Route 340 and Route 7 entrances. The standard agreement is that the agreed upon lights must be installed within 5 years after the development of the last lot. VDOT does have the option of requiring the installation prior to this timeframe if it is deemed necessary. The developer has put up a bond to cover the expense.

#### Old Dominion Alcohol Safety Action Program Update

Donald E. Breeden, ASAP Board Member/ Criminal Justice Board Member-at-Large, presented to the Board the annual program review. He stated that this had been a good year with the number of participants down from 2002. He postulated that the reason for the reduction was as a direct result of better enforcement. Mr. Breeden has personally worked sobriety checkpoints with the Virginia State Police.

Mr. Breeden apprised the Board that the law had changed effective July 1 for persons 21 years of age and younger making them legally intoxicated with a blood alcohol content of .02. He also reviewed the donations made by the Board throughout the year stating that the ASAP Board recently donated an alcohol sensor to Clarke County High School. Zeb Brevard, safety officer at the school, has informed Mr. Breeden that he has used the instrument two times in the last month. Donald Breeden put forth that some parents are buying alcohol for students. Also, some area businesses are selling alcohol to them as well. Mr. Breeden urged the Board and the citizens to recognize the problem that does now exist in the County.

Chairman Staelin stated that it was good to see the numbers going down. He further stated that he found the information regarding student use of alcohol very disturbing. Mr. Staelin extended the Board's appreciation for all the work done by Mr. Breeden and the ASAP Board.

#### Public Hearing – Text Amendment TA-03-09

*The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance, Section 3-C, Supplementary Regulations and Section 6-H Improvements and Minimum Standards for Site Plans so as to modify the standards for Monopoles for Telecommunication Antennae. TA-03-09*

Chuck Johnston provided a brief overview of the proposed text amendment to the Board. Chairman Staelin queried Mr. Johnston regarding utility easements on site plans stating that the Mt. Carmel Church site plan did not show utility easements. Mr. Johnston assured the Board that the requirement to list utility easements on a site plan is already included in the ordinance. He further stated that if this information was missing from that site plan it had been an oversight during the review process.

Mr. Johnston agreed to the Board's request to modify 6-H-12-a by adding to the items listed utilities, which will come after security fencing.

At 10:20 am, Chairman Staelin opened the public hearing for citizen comment. There being no persons present wishing to address the Board regarding this matter Mr. Staelin closed the public comment portion of the public hearing.

Supervisor Weiss wished to thank the Planning Commission for doing a good job on the revision of the ordinance, which addressed the shortfalls in the original.

**Supervisor Weiss moved to approve Text Amendment TA-03-09 as modified.**

**The motion carried as follows:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye

Supervisor Dunning - Aye  
Supervisor Weiss - Aye

## Text Amendment –Public Hearing TA-03-12

*The Clarke County Planning Commission recommends the amendment of:*

1. *the County Zoning Ordinance Sections*
  - 3-A-13, *Neighborhood Commercial District (CN)*
  - 3-A-14, *Highway Commercial District (CH)*
  - 4-I-3, *Permitted Signs,*
  - 6-H *Site Plan Improvements and Minimum Standards, and*
2. *the County Subdivision Ordinance Sections*
  - 6, *Consumer Disclosure Statement,*
  - 7-C *Details of Plat Requirements for Record Plats,*
  - 10-D, *Boundary Line Adjustments so as to:*
    - a. *establish building setbacks from intermittent streams, and perennial streams & springs on parcels zoned Neighborhood and Highway Commercial,*
    - b. *delete the maximum impervious surface area requirement in the Neighborhood Com. District,*
    - c. *revise standards for free-standing signs,*
    - d. *require on commercial site plans the use of native plant materials and landscape materials that have low water and nutrient requirements (xeriscape),*
    - e. *delete reference to existing sub-standard private roads,*
    - f. *require maintenance of existing septic tanks on parcels proposed for subdivision,*
    - g. *require a statement on plats of residential lots encouraging limited use of fertilizers and pesticides so as to protect groundwater quality, and*
    - h. *change the standard for residential boundary line adjustments so as to conform with Zoning Ordinance standards. TA-03-12*

Chuck Johnston provided a brief overview of the proposed text amendment to the Board stating that this was a series of minor amendments many with an environmental emphasis. He apprised the Board that the definition of intermittent and perennial streams is already in the ordinance; however he is working with the USGS on a more scientific definition, which should come to the Planning Commission for review in December or January.

Mr. Johnston responded to queries about the size of road signs stating that they were tied to the speed of the road traffic with slower roads having smaller signs. Mr. Staelin and Mrs. Byrd put forth their desire to see more signs in place to advertise local business. Mr. Staelin emphasized that no one likes sign clutter but there is a legitimate need for signs to direct persons to commercial businesses in the area. Mr. Johnston provided a brief overview of VDOT requirements for signs and encouraged the Board to discuss the matter with VDOT.

At 10:31 am, Chairman Staelin opened the public hearing for citizen comment. There being no persons present wishing to address the Board regarding this matter Mr. Staelin closed the public comment portion of the public hearing.

Vice Chairman Hobert addressed his concern regarding landscape design expressing his discomfort with mandating how people should landscape their property. He requested that the word shall be changed to should. Supervisor Dunning articulated his preference for the word shall citing a general tendency by some to push the standards to the limits. There followed a succinct discussion where it was stated that these standards were for commercial businesses not residences. Also, there was general discussion regarding the types of low maintenance materials referenced in the ordinance that were designed for minimum water consumption. Mr. Johnston stated that there is in place a review process where the Planning Administrator can grant a variance. Mr. Hobert stated since the ordinance was for commercial property, not residential, he would support the proposed verbiage.

**Supervisor Dunning moved to approve Text Amendment TA-03-12 as presented.**

**The motion carried as follows:**

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

Special Use and Site Plan – Set Public Hearing SUP-03-05

*Omnipoint Communications Cap Operations LLC, (Richard and Mary Dimmel, property owners) requests approval of a Special Use and Site Plan for an 86-1/2 foot monopole for telecommunications antennae located in the 6000 block of the north side of John Mosby Highway, Tax Map Parcel 29-((A))-18, Greenway Magisterial District, zoned Agricultural Open-Space Conservation (AOC). SUP-03-05*

Chuck Johnston, Planning Administrator, provided an overview of the above request. He addressed concerns regarding the proximity to Blandy Farm by stating that this area, while by the farm, was outside the area classified as Blandy Arboretum, which has more stringent requirements. Mr. Staelin requested that Mr. Johnston ensure that the utilities were shown on the site plan.

Supervisor Weiss asked Mr. Johnston to discuss with Omnipoint modifications to the site at Route 7. Supervisor Dunning requested Mr. Johnston to ask about the range of coverage, where they overlap and who else could use these poles.

**Supervisor Dunning moved to set the matter for public hearing on December 16, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.**

**The motion carried as follows:**

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

County-wide Explosives Ordinance

*The Clarke County Board of Supervisors will consider the amendment of the Code of Clarke County so as to:*

a) *prohibit the use of explosives within 100 feet of private wells, public waterworks, private sewage disposal systems, public sewerage system and treatment works, and perennial springs and*

b) *to allow the use of explosives between 100 feet and 500 feet of private wells, public waterworks, private sewage disposal systems, and public sewerage system and treatment works, and perennial springs only after submission and approval by the Clarke County Board of Septic and Well Appeals of a Blasting Plan that addresses the potential impact of the proposed blasting activity on such facilities.*

Chuck Johnston, Planning Administrator, provided an overview of the above amendment. Supervisor Dunning stated that the most sensitive sites requiring protection would be springs. Mr. Dunning stated, in his opinion, a spring is capable of emitting 40 to 50 gallons of water per minute. Supervisor Byrd postulated that by protecting these springs that feed the Shenandoah River, the County was protecting that critical resource as well.

There was discussion regarding the ordinance protecting Prospect Hill Spring. The Board of Septic Appeals will review blasting plans under this ordinance; however, the Board of Supervisors will review blasting plans for Prospect Hill Spring area. Chairman Staelin stated that Prospect Hill Spring is a significant water source, which elevates it to an higher level.

Mr. Staelin requested that Chuck Johnston add to his calendar a review of all blasting plans about a year from now. Also, Chairman Staelin stated that the ordinance could be interpreted as encouraging homes to be built in the open instead of the woods. The woods may have more rock and this could be seen as being in conflict with the design review criteria used by the Planning Commission. Supervisor Dunning emphasized the need to be flexible and to

work with the landowners as much as possible bearing in mind a desire to move homes to the wooded areas where possible. Supervisor Weiss expressed his opinion that this may make some of the ordinance more consistent and it does not preclude a landowner from building.

There was additional discussion regarding a fee for review of blasting plans. A \$350 fee was suggested. There is already a fee in place to cover professional costs. To implement this additional fee, the Board of Supervisors must pass a separate resolution. In response to Vice Chairman Hobert's request as to what services were covered under the application fee, Mr. Johnston responded that it is to cover the cost of advertisement, board member participation, and staff labor. Supervisor Byrd requested that Mr. Johnston establish the number of man-hours required to review and process the blasting plans to ensure that the fee was adequate.

Supervisor Dunning expressed his support for the proposed application fee. He recommended that a consultant be contracted to perform this service and the fees charged should be established at an amount sufficient to cover the consultant costs.

**Vice Chairman Hobert moved to set the matter for public hearing on December 16, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.**

**The motion carried as follows:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

#### 2003 Shenandoah Valley Wells Fargo Hot Air Balloon & Wine Festival

Chairman Staelin reminded the Board that when approving the special entertainment permit this past summer they had agreed to a discussion of any issue(s) that might arise in this timeframe so that Long Branch would know how to proceed. He informed the Board that he had received one letter of complaint and one telephone call from Anna Lee Horton regarding the Festival. Mr. Staelin queried the Board as to their opinion regarding a public meeting to solicit public opinion on this matter.

Supervisor Dunning agreed that a public meeting was in order for the Board must consider both the concerns of the applicant and the landowners. He suggested that they solicit comments from Long Branch along with any changes they feel need to be made. Mr. Dunning stated that Long Branch has already made efforts to improve the traffic and to stage people, such as Mr. Cady, in sensitive areas of the County. He expressed his opinion that both sides need to get together to work toward resolution. He opined that the balloons do make an odd noise, which can frighten horses and cattle. He speculated that the biggest complaint was Long Branch's ability to control the balloons.

Chairman Staelin, at Supervisor Dunning's request, invited comment from Joe Hickey, Long Branch Event Coordinator. Mr. Hickey stated that the balloons can be controlled to a degree but the wind will take them where it will. He informed the Board that the committee does not fly the balloons and they are very strict on the pilots that do attend the festival. He apprised the Board of a pilot that they had received complaints about that was not a part of the festival; and was, in fact, removed from the grounds of Long Branch on Sunday. Mr. Hickey responded to queries regarding height limitations stating that it is the Festival that sets limits, while the FAA does not impose height limits.

In the matter of insurance, Mr. Hickey advised the Board the all pilots sign an agreement, which does have an insurance requirement. While Long Branch does carry event insurance, the balloon pilots insurance would cover any damage they might incur and/or inflict.

In response to Supervisor Byrd's questions regarding meetings, Mr. Hickey informed the Board that Long Branch does conduct briefings with the pilots. They also conduct a landowner appreciation day.

By consensus of the Board, the matter was set for public meeting at 7:30 pm on Tuesday, December 16, 2003 in the Board of Supervisors Meeting Room. Chairman Staelin requested staff to contact any persons that have complained to the County about the 2003 Festival. He suggested that Long Branch provide statements or a presentation and then open the meeting for public comment.

### Discussion of Legislative Priorities

The Board of Supervisors reviewed the list of legislative priorities drafted by Chairman Staelin. There was discussion regarding transfer tax and impact fees. John Staelin stated that the transfer tax, while high on the priority list for Clarke and Frederick County, it was not a priority for most others. By consensus, the list of priorities was accepted by the Board. Supervisor Weiss wished to acknowledge Mr. Staelin's effort in drafting the list that reflected the Board's position so well.

Mr. Staelin requested staff to schedule meetings with Senator Russ Potts and Delegate Joe May.

### Acknowledgement of Receipt of Abstract of Votes – 2003 Elections

The Clarke County Electoral Board submitted for acknowledgment by the Board of Supervisors the Abstract of Votes for the 2003 Elections. Vice Chairman Hobert noted a discrepancy on the count of votes for the White Post Voting Precinct and requested staff to follow up with the County Registrar.

### Discussion Of Committee Action

#### Personnel

##### *Clarke County Library Advisory Council*

The Clarke County Library Advisory Council requests the addition of two positions to the Council. In order to properly stagger the terms, one term should expire on 4/15/06 and one on 4/15/07. The Personnel Committee recommends acceptance of this request.

##### *Clarke County Community Services Council*

Clarke County Community Services Council has requested a member of the Board attend the monthly meetings on a rotating basis. This could be in the same order as review of the bills and claims should the Board choose to agree to the request. The Personnel Committee recommends that Board members agree to attend and to use the same monthly rotation used to review bills and claims.

##### *Emergency Medical Services*

The Personnel Committee discussed the Emergency Medical Services organization and approval of Operational Medical Director Agreement. The Personnel Committee recommends approval provided "AGENCY" is added to indicate Clarke County.



Appointment to Authorities, Boards and Commissions

Committee/Board	Appointee	Expiration Date
Clarke County Historic Preservation Commission <i>Mr. Baker is appointed to complete the unexpired term of Sarah Trumbower.</i>	H.M. Baker	5/31/05
Parks & Recreation Advisory Board <i>Mr. White is reappointed to represent the Buckmarsh District.</i>	Lawrence White	12/31/07

Supervisor Byrd moved to accept in whole all the recommendations of the Personnel Committee and appointments as presented.

The motion carried as follows:

- |                      |   |     |
|----------------------|---|-----|
| Chairman Staelin     | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd      | - | Aye |
| Supervisor Dunning   | - | Aye |
| Supervisor Weiss     | - | Aye |

Board of Supervisors Work Session

No Board of Supervisors Work Session was conducted for the month of November.

Finance

Supplemental Appropriations and Contingency Transfers for FY 2004

1. a) Potential Professional Services contingency transfers—Last year approximately \$45,000 was expended on services of Chester Engineers for County and Town of Boyce planning needs, and for the review of development applications. This latter expense is offset by revenue collections. In past years, these budgets have been covered by transfers from contingency as expenditures were made. This year an estimate of expenditures has been encumbered to simplify the appropriation and payment process. It is expected that these appropriation transfers should suffice for the remainder of the fiscal year.

From:	Legal and Professional Services Contingency	-\$42,000
To:	Planning Administration	+\$15,000
	Planning Commission	+\$12,000
	Board of Supervisors	+\$15,000

The Finance Committee recommends approval of the proposed transfers.

- b) Supplemental Appropriation to Sheriff’s Department—Recognize contributions from the Federal Government Criminal Justice System and local appropriations to support TRIAD/SALT Program:

Federal Revenue	+\$4,378
Local Contribution	+\$1,459

The Finance Committee recommends approval of the proposed supplemental appropriations.

- c) Social Services—The Committee is asked to recommend a supplemental appropriation of \$30,000 of local funds to the CSA Fund in order to authorize the expenditure of fund balance to provide service to non-mandated children who may

benefit from early intervention with services intended to avert the crisis level qualification requirements. (Held over from last month)

The Finance Committee recommends that the Board not approve this request for supplemental as the source of funds (fund balance) is inconsistent with the proposed purpose (ongoing expenditure).

2. Historical Association requests consent to sub-lease a portion of the Coiner House. The lease agreement requires Board consent to do so. The Finance Committee recommends approval of the request to sub-let a portion of the Coiner house subject to inclusion in the sub-lease language requiring compliance with zoning regulations and the building code, and requiring that the proposed tenant acknowledge responsibility for insuring own property and indemnify and hold the County harmless from any and all liability, cost, and expense, including attorney, which the County may or shall be required to pay or undertake as a result of the use, occupancy and operation of the property by the proposed sub-lessee. Sub-lessee is to procure and maintain a general liability insurance policy in the amount of not less than \$1,000,000 listing the County as an additional insured under said policy.
3. Authorization to approve easement and enter service agreement for electrical service to soccer field at park. The Finance Committee recommends approval subject to concurrence of Parks and Recreation Advisory Board.

**Vice Chairman Hobert moved to approve the supplemental appropriations as detail in item 1 and the recommendations of the Board for items 2 and 3 above.**

**The motion carried as follows:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

4. Update on proposals to purchase of Millwood property—Committee members will be provided an update on the status of proposals to purchase the Millwood property, which is expected by the December meeting.

#### Bills And Claims

- John R. Staelin, Chair

Chairman Staelin reviewed the bills and claims for County government expenditures. Mr. Staelin clarified that Barbara Byrd had reviewed bills and claims at the October meeting; and due to a clerical error, she was again listed on the agenda for the November review instead of he.

John Staelin advised that telecommunications and professional services require close monitoring to ensure they stay within budget. Vice Chairman Hobert requested David Ash to review all invoices for professional services.

For the month of October, Joint Administrative Services did not provide the bills and claims for Clarke County school expenditures to the Board of Supervisors for their review. Tom Judge, Director Joint Administrative Services, informed the Board that Eleanor Smalley, School Superintendent, had instructed him to distribute this information to the School Board only. The stated reason was that former Supervisor Jack Lillis had originally requested review of this data by the Board of Supervisors and the schools now wished to restore the practice of providing the financial data to the School Board only.

Mr. Staelin put forth that this was a public document and he expected the information to be in the Board of Supervisors packet for the next regularly scheduled meeting. Vice Chairman Hobert asked Mr. Judge whether he required a written Freedom of Information Act [FOIA] request from the Board. Mr. Judge replied that he had no preference and would discuss the matter with Dr. Smalley. Chairman Staelin stated that the Board of Supervisors was not in the habit of employing this act when dealing with other County departments.

Supervisor Weiss expressed his opinion that this behavior by the Superintendent would not be in the nature of conciliatory action or in the spirit of working together. Supervisor Dunning opined that this was an act of arrogance on the part of the Superintendent.

Chairman Staelin stated that while he could appreciate the delay if it were to ensure accuracy he did expect the information to be provided to the Board of Supervisors for review.

#### Project Update

- David L. Ash, County Administrator

David Ash appeared before the Board to review the Project Updates.

#### Gypsy Moth Program

A public meeting was conducted with two citizens attending. Mr. Ash related that it was unlikely that Clarke County would be included in the statewide bid since the area requiring treatment is down to approximately 500 acres at this time. The County may wish to conduct a small suppression program on its own. Before setting the area for treatment, Mr. Ash advised that it would be prudent to wait until early spring when egg masses are identifiable.

#### Shenandoah River MIF

There was no meeting of the Shenandoah River MIF Committee this month and they are still waiting for a final written report.

#### Joint Committee on School Construction

There have been no meetings since October. Mr. Ash relayed that the County has received a proposal from Moseley Architects for government space. However, the cost is dependent upon what other departments decide. The Town of Berryville has requested a review of the proposal prior to disclosing the information.

Supervisor Weiss opined that the progress of the Joint Committee on School Construction has become stagnant. He stated that the Committee must get the information together and move forward. Mr. Weiss commented further that the School Board should determine absolute needs not wish list needs.

Mr. Staelin said there was still no number for administrative space for the schools. Mr. Ash reported that the School Board does have numbers; but have not set the final number for they do not wish to be tied to a number at this point.

#### Communications Tower

David Ash informed the Board that the County has been successfully operating off of the new tower since Thursday, November 13. He related that Pam Hess is following up with Frederick County, who had also been experiencing some problems with their communications equipment as well.

Emergency Operations Plan

Mr. Ash provided an overview of the changes to the Emergency Operations Plan explaining that this document is mandated by the State. The County is required to review this document every four years. The revision was completed in September just in time for Hurricane Isabel. He requested that the Board adopt the following resolution stating that need for the Emergency Operations Plan.

The Board of Supervisors of Clarke County, in a regular meeting on the 18th day of November 2003, adopted the following:

RESOLUTION

**WHEREAS**, the Clarke County Board of Supervisors is greatly concerned with the health, safety, and well-being of its citizens and desires that the best possible emergency services be available to them; and

**WHEREAS**, the Commonwealth of Virginia Emergency Services and Disaster Law of 1973 requires that each city and county develop and maintain an Emergency Operations Plan that addresses it planned response to emergency situation; and

**WHEREAS**, such a plan has been developed by County staff in coordination with the Virginia Department of Emergency Services with input from responsible local agencies;

**NOW, THEREFORE, BE IT RESOLVED:** that the Board of Supervisors of the County of Clarke, Virginia, hereby adopts the updated County of Clarke Emergency Operations Plan as the necessary basic plan for County emergency services for both peacetime and war caused disasters;

**BE IT FURTHER RESOLVED**, that the Emergency Resources Directory be periodically updated without action by the Board of Supervisors since the Resources Directory is a vital portion of the EOP.

A Copy Teste:

John Staelin, Chairman  
Clarke County Board of Supervisors

David L. Ash  
County Administrator

Supervisor Weiss moved to adopt the Resolution updating the County of Clarke Emergency Operations Plan.

The motion carried as follows:

- |                      |   |        |
|----------------------|---|--------|
| Chairman Staelin     | - | Aye    |
| Vice Chairman Hobert | - | Aye    |
| Supervisor Byrd      | - | Aye    |
| Supervisor Dunning   | - | Absent |
| Supervisor Weiss     | - | Aye    |

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board of Supervisors to provide the monthly report. Mr. Sours stated there was another property under contract at the Business Park, which is expected to close by the first of the year. Mr. Sours reported that Clarke County has the lowest unemployment rate in the area. He thanked Supervisor Weiss for the time he had taken to spend with him.

Mr. Sours and Chairman Staelin wished to acknowledge and thank Val Van Meter, Winchester Star, and Jerry Herrmann, Clarke Times-Courier, for their support and coverage of area businesses in the respective newspapers.

Miscellaneous Items

FFA & 4H

Supervisor Weiss wished to publicly acknowledge the achievements of the Clarke County FFA and 4H. He stated he was impressed that so small a county could achieve national acclaim. He commented on the children's enthusiasm and exuberance, which made it an evening of positive energy. He and Supervisor Byrd both attended the event. The dairy judging team, that placed third nationally, has been invited to Scotland.

Chairman Staelin observed that the support of the to FFA and 4H officers, as well as the parents, must also be commended. He noted that some may say that agriculture is dying; while, yes, it will change, it will not die as evidenced by the training and involvement of this younger generation. He requested Mr. Ash to provide letters from the Board to the children, the FFA Coach, the School Board, and the Extension Office conveying their congratulations and their believe in the importance of agriculture to the County.

Soil Contamination Update – Parks & Recreation

David Ash informed the Board that he had spoken with the Department of Environmental Quality and they will be here in early December to look at the Parks to do a brown field assessment. Mr. Ash stated that the County should establish a base line. Mr. Staelin requested David Ash to get from DEQ the following:

- 1) Guidance and help;
- 2) Ideas on how to establish a baseline;
- 3) Design a countywide sampling plan; and
- 4) What, if anything, the County needs to do at the Park.

Chairman Staelin informed Staff that he would appoint a Supervisor to work with David Ash on this issue.

Support Personnel for Zoning Department – Blasting Plan Review

Supervisor Dunning requested review of this item but had to excuse himself to attend to a pressing matter. Mr. Dunning briefly discussed this item during the review of the proposed Countywide Blasting Ordinance. Supervisor Weiss requested that the matter should be reviewed as a staffing issue at a Board of Supervisors Work Session. Mr. Staelin requested David Ash to add the item to the next Board of Supervisors Work Session Agenda.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Follow up with John Riley on countywide speed limits.	David Ash
2.	Discuss with Omnipoint modifications to the site at Route 7.	Chuck Johnston
3.	From Omnipoint, ask for range of coverage, where they overlap and who else could use these poles.	Chuck Johnston
4.	Provide status of community signage.	Chuck Johnston
5.	Add to the calendar review of all blasting plans in about one year.	Chuck Johnston
6.	Advertise for public hearings and public meeting.	David Ash
7.	Notify any persons that have complained to the County about the 2003 Festival that a public meeting has been scheduled.	David Ash
8.	Contact Registrar regarding discrepancy in figures on abstract of votes for the White Post Voting Precinct.	David Ash
9.	Schedule meetings with Senator Russ Potts and Delegate Joe May.	David Ash
10.	Send letters of appointment.	David Ash

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
11.	Provide letter to Clarke County Library Advisory Council notifying of Board action to approve request for two additional members.	David Ash
12.	Review all invoices for professional services.	David Ash
13.	Provide Bills and Claims for the schools to the Board of Supervisors for the month of October 2003.	Tom Judge
14.	Provide letters from the Board to the children, the FFA Coach, the School Board, and the Extension Office conveying the Board's congratulations and their believe in the importance of agriculture to the County.	David Ash
15.	Follow up with DEQ.	David Ash
16.	Add to the Board of Supervisors Work Session and/or regular meeting agenda as time allows review of Jack Ender's Boulevard with VDOT, Staffing Issues, and School Construction.	David Ash

**Next Meeting:**

The next regular meeting of the Board of Supervisors is set for December 16, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

A public meeting to discuss the 2003 Shenandoah Valley Wells Fargo Hot Air Balloon & Wine Festival is scheduled for December 16, 2003 at 7:30 p.m. in the Board of Supervisors Meeting Room.

**Adjournment:**

There being no further business to be brought before the Board the Chairman adjourned the meeting at 12:43 p.m.

ATTEST: November 18, 2003

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John Staelin, Chairman

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David L. Ash, County Administrator